



STATE OF NEW YORK

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February 5, 2020

Honorable Sandra J. Feuerstein
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722-9014
Via ECF

Re: David T. Silva, et al. v. Brian
Farrish, et al.
18-cv-3648 (SJF)(SIL)

Your Honor:

I am the Assistant Attorney General assigned to represent State Defendants in the above-captioned action. I write to oppose Plaintiffs' Letter Motion for leave to file documents, Docket Entry ("D.E.") 86.

Your Honor informed the parties that discovery was closed during the phone conference on July 31, 2019. The Summary Judgment Motions of State and County Defendants were fully briefed and submitted on November 18, 2019. As they have throughout this litigation, Plaintiffs have sought to introduce documents and sur-replies with no regard to briefing schedules or discovery closure. *See* D.E. 57, 59, 60.

The documents Plaintiffs now seek leave to file are irrelevant to the issues involved in this litigation, and should not be accepted by the Court, nearly three months after the Motion for Summary Judgment was fully briefed. Plaintiffs seek to introduce a press release related to a cooperative agreement between the NYS Department of Environmental Conservation and the Saint Regis Mohawk Tribe, along with a map. Plaintiffs fail to explain how these documents are relevant to the issues involved in this litigation.

These documents are not relevant to the issues in this case, where Plaintiffs explicitly claim they are uniquely free from complying with generally-applicable state fishing regulations; in fact, Plaintiffs do not assert that these proposed exhibits involve elver eels in any way. The documents appear to involve a separate tribe, occupying a separate area of the state, and encompassing a separate body of water. These proposed documents are devoid of context, such as geographic, historical, territorial, jurisdictional, and resource information.

Plaintiffs have failed to explain the relevance of these proposed documents, or how they would inform this litigation in any way. They appear to be irrelevant to the issues involved in this action. State Defendants oppose this—the most recent—of Plaintiffs’ inappropriate and untimely attempts to include irrelevant documents.

Thank you for your consideration.

Respectfully submitted,

/s/ Richard Yorke

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cc: Counsel of record for Plaintiffs via ECF
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